

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Grantham, Nancy
Sent: Fri 5/12/2017 7:32:22 PM
Subject: RE: Bristol Bay webpage updates

I think this looks fine – I would get it up .. and when we get the all clear on linking to the settlement – you can do that then.

What is at the public involvement link at this point?

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

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From: Skadowski, Suzanne
Sent: Friday, May 12, 2017 2:35 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: Bristol Bay webpage updates
Importance: High

Nancy,

This is how the updated Bristol Bay page would look: new landing page banner and main text from press release on homepage, then links to the press release webpage and to another webpage with the settlement document. See 2 screenshots below and attached.

Bristol Bay

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EPA and Pebble Limited Partnership Reach Settlement Agreement

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EPA Agrees to Allow Permit Process to Proceed; Pebble Agrees to Drop Lawsuits

(May 12, 2017) - EPA has entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska.

The settlement provides the Pebble an opportunity to apply for a Clean Water Act permit from the U.S. Army Corps of Engineers before EPA may move forward with its Clean Water Act process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular,'" said EPA Administrator Scott Pruitt. "We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds."

- [Read the settlement agreement](#)
- [Read EPA's press release](#)

Bristol Bay Assessment

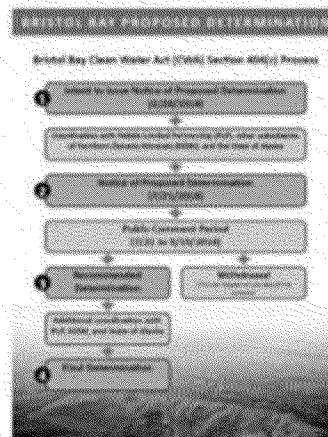
EPA's final assessment of the potential impacts of large-scale mining development on Bristol Bay fisheries and wildlife, and on Alaska Native cultures of the region.

- [Bristol Bay Assessment - Final Report \(2014\)](#)
- [Learn more about our assessment](#)

EPA's Proposed Determination

In 2014, EPA Region 10 initiated a process to protect one of the world's most valuable salmon fisheries, in Bristol Bay, Alaska, from the risks posed by a mine at the Pebble deposit.

- [Read the Executive Summary and Proposed Determination](#)
- [Learn more about the proposal](#)
- [View all public comments on the proposal](#) (links to docket on [regulations.gov](#))



Watershed map

Bristol Bay photos

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2017 Settlement Agreement Between EPA and Pebble Limited Partnership

On May 11, 2017, EPA entered into a settlement agreement with the Pebble Limited Partnership to resolve litigation from 2014 relating to EPA's prior work in the Bristol Bay watershed in Alaska.

The settlement provides the Pebble Limited Partnership (Pebble) an opportunity to apply for a Clean Water Act (CWA) permit from the U.S. Army Corps of Engineers before EPA may move forward with its CWA process to specify limits on the disposal of certain material in connection with the potential "Pebble Mine."

"We are committed to due process and the rule of law, and regulations that are 'regular.' We understand how much the community cares about this issue, with passionate advocates on all sides. The agreement will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation. We are committed to listening to all voices as this process unfolds." – EPA Administrator Scott Pruitt

Key Terms of the Settlement

- Pebble and the U.S. Department of Justice (on behalf of the EPA) will ask the U.S. District Court for the District of Alaska to dismiss the cases with prejudice and to lift the court-ordered preliminary injunction.
- EPA agrees to commence a process to propose to withdraw the currently pending proposed determination, consistent with its regulations.
- EPA agrees that it will not move to the next step in its CWA process, which would be to issue a recommended determination (determination steps are: proposed, recommended, final), until 48 months from settlement or until the U.S. Army Corps of Engineers issues its final environmental impact statement, whichever comes first. To take advantage of this period of forbearance, Pebble would have to file its permit application within 30 months.
- Pebble will drop its lawsuits and requests for fees against EPA, and agree to file no new Freedom of Information Act (FOIA) requests during the pendency of the "forbearance" period.
- EPA may use its scientific assessment regarding the Bristol Bay Watershed without limitation.

Background

In 2014, under the previous administration, EPA's Region 10 completed a multi-year watershed assessment in Bristol Bay, and then issued a CWA Section 404(c) proposed determination, which described restrictions on large-scale mining in the watershed. Section 404 is the part of the CWA that governs the permit evaluation process for actions that discharge dredged or fill material into a covered water.

The May 11, 2017 settlement does not guarantee or prejudge any particular outcome to this process, but does ensure that the process will be carried out in a fair, transparent, deliberate, and regular way.

Suzanne Skadowski

Public Affairs Specialist

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